

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/110,661 07/07/98 KREBS

L 2779-Z

EXAMINER	
PHILIP L. H. R.	ART UNIT

JIM ZEGEER
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TM02/0628

PHILIP L. H. R.	ART UNIT
	PAPER NUMBER

2661
DATE MAILED:

06/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/110,661	KREBS ET AL.
	Examiner Bob A. Phunkulh	Art Unit 2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02 May 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are objected to by the Examiner.

11) The proposed drawing correction filed on 02 May 2001 is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) <input type="checkbox"/> Notice of References Cited (PTO-892)	18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	20) <input type="checkbox"/> Other: _____

DETAILED ACTION

This communication is in response to applicant's 05/02/2001 amendment/responses in the application of **KREBS et al.** for "**ATM NETWORK MANAGEMENT SYSTEM**" filed 07/07/1998. The amendments/response to the claims have been entered. No claims have been canceled. No claims have been added. Claim 1 is now pending.

Claim Rejections - 35 USC 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hearn et al. (US 5,640,505).

Regarding claim 1, Hearn et al. disclose a system relates to an operational support structure for a telecommunications network. The system comprises of a problem manager 143 (*fault manager*) for receiving fault report from the other domains, using information contained in the database 130 concerning the network topology, it correlates these faults and identifies the problems which are causing them. It many receives reports of faults from a set of switches and also a set of multiplexers. By retrieving data on the network topology from the database 130, it can correlate these faults end might identify the problem which is causing the faults as being caused by

failure of a particular multiplexer. The Identified problems are recorded in the database 136, and the manager 143 sends instructions (*recommendation*) to the traffic manager 138, the service domain 14 or the traffic domain 18 to restore lost services and to remove problems (**see figs. 2, 5; and col. 11 lines 21-34**). Hearn et al., further disclose, this could be implemented in an ATM network (**see col. 7 lines 36-52**).

Response to Arguments

Applicant's arguments filed 5/02/2001 have been fully considered but they are not persuasive.

In page 2 lines 11-, the applicant argued Hearn et al. doses not appear to utilize or suggest utilizing an inference engine for fault management including correlation of ATM switch failures and traps and automating recommended courses of corrective action . . . does not appear to disclose using an inference engine for performance management of an ATM management network.

In response, Hearn et al. disclose the problem manager 143 (*fault manager*) for receiving fault report from the other domains, using information contained in the database 130 concerning the network topology, it correlates these faults and identifies the problems which are causing them. The Identified problems are recorded in the database 136, and the manager 143 sends instructions (*recommendation*) to the traffic manager 138, the service domain 14 or the traffic domain 18 to restore lost services and to remove problems (**see figs. 2, 5; and col. 11 lines 21-34**).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 305-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

(703) 308-5403 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(703) 308-8251**. The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Douglas W. Olms**, can be reached on **(703) 305-4703**. The fax phone number for this group is **(703) 872-9314**.

Any inquire of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 306-0377**.

Bob A. Phunkulh

Bob A. Phunkulh

June 22, 2001
T.C. 2600
Art Unit 2661

revised
Ajit Patel
Primary Examiner